

### **REMARKS**

Claims 1-18 remain pending in the present application. Claims 1 and 4-6 have been amended. Claims 10-18 are new. Basis for the amendments and new claims can be found throughout the specification, claims and drawings originally filed.

### **FIGURES 4 AND 5**

Regarding Figure 5, this figure is labeled as "Related Art" and it is an example, created by the inventors of the present invention, to illustrate the problems that can occur when a recess is formed into the side of the air conditioner. It is this problem, unequal cross-sectional area passages that the present invention overcomes. Applicants are unaware of any publication of this concept as this figure was created to illustrate the problem being overcome by the present invention.

Regarding Figure 4, it is a schematic diagram of an air duct according to the prior art. This dual passage air conditioning case where one part services the driver and the other part services the passenger is well known in the prior art. JP-A-H8-48128 is an example of an air conditioning case which is separated between the driver and the passenger. The actuator arrangement where the temperature is controlled separately in each passage but the air flow is directed using a single door is the same in Figure 4 and JP-A-H8-48128. The difference between these air conditioning cases is that the present invention has the partition board deformed in a manner similar to the recess in the air duct.

### **ELECTION OF SPECIES**

- I. First species of device as shown in Figure 1 (wherein the recess houses a servo-motor);
- II. Second species of device, now shown, wherein the recess houses refrigerant piping; and,
- III. Third species of device, also not shown, wherein the recess houses hot water piping.

### **ELECTION OF SUB-SPECIES**

- I. First sub-species of partition board as shown in Figure 1, wherein the partition board is off-set twice (i.e. recessed) to return to its original plane; and
- II. Second sub-species of partition board as shown in Figure 3, wherein the partition board is "stepped shaped".

Applicants, without traverse, respectfully request the Examiner to proceed with the first species of the device wherein the recess houses a servo-motor and further the Applicants request the Examiner to proceed with the second sub-species as illustrated in Figure 3. Applicants believe Claims 1-3 and 7-9 read on the elected Species. Applicants request that the non-elected Claims be held in abeyance for possible rejoinder and/or further prosecution in future divisional and/or continuation applications.

### **NEW CLAIMS 10-18**

New Claim 10 is a dependent claim which defines a recess in the air duct and a recess in the partition plate. Claims 11-18 correspond to Claims 2-9, but ultimately they depend from Claim 10. Applicants believe Claims 10, 11, 13, 14, 16 and 18 read on the elected species. JP-A-H8-48128 illustrates a stepped partition, but the cross-sectional areas of the first and second air passages do not remain approximately equal.

### REJOINDER

Applicants respectfully request the rejoinder of withdrawn Claims 4-6, 12, 15 and 17.

### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: December 20, 2005

By:   
Michael J. Schmidt, 34,007

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

MJS/pmg